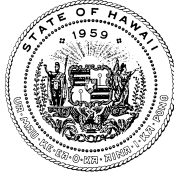


SB 2810



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GOVERNOR

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February 24, 2012

To: The Honorable Clayton Hee, Chair, Maile Shimabukuro, Vice Chair, and
Members of the Senate Committee on Judiciary and Labor

Date: Friday, February 24, 2012

Time: 9:30 a.m.

Place: Conference Room 016, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations

**Re: S.B. No. 2810 Relating to Employment Exemption for Domestic Services
Authorized by the Department of Human Services**

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal amends Sections 386-1(6), 392-5(19), and 393-7(d), HRS, by adding another class of employees that are excluded from the definition of "employment" and the protections afforded by the Workers' Compensation, Temporary Disability Insurance, and Prepaid Health Care laws. This measure seeks to exclude from the three laws domestic services authorized by the Department of Human Services under the Social Security Act or when provided through state-funded medical assistance to individuals ineligible for Medicaid, when performed by an individual in the employ of a recipient of social service payments.

II. CURRENT LAW

With respect to domestic services, the current statutes exclude from employment only those domestic services performed for persons with developmental and intellectual disabilities under the Medicaid home and community-based services program pursuant to Title 42 Code Federal Regulations.

III. COMMENTS ON THE SENATE BILL

The Department supports the Administration's proposal from the Department of Human Services.